

SENATE BILL No. 351

By Committee on Ways and Means

3-6

AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; affiliation and membership in Kansas police and firemen's retirement system; election; employee and employer contributions.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) On July 1, 2002, the department of corrections shall be an eligible employer as defined in K.S.A. 74-4952 and amendments thereto and shall affiliate with the Kansas police and firemen's retirement system established under K.S.A. 74-4951 *et seq.* and amendments thereto. The department of corrections shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954 and amendments thereto, to be effective on July 1 of the next year following application for prior and participating service credit for special enforcement officers as provided in this section.

(b) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services, the amount required to satisfy the employer's obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriation. Upon affiliation, the department of corrections shall pay to the system a sum sufficient to satisfy such obligations as certified by the board.

(c) The determination of retirement, death or disability benefits, shall be computed upon the basis of "credited service," as used in K.S.A. 74-4951 *et seq.*, and amendments thereto, but shall include only participating service with the department of corrections, commencing on and after the effective date of affiliation by the department of corrections with the police and firemen's retirement system.

(d) Any rights or benefits accruing to any special enforcement officer employed by the department of corrections prior to the effective date of affiliation shall be determined pursuant to the provisions of K.S.A. 74-4901 *et seq.*, and amendments thereto. Any special enforcement officer who becomes a member pursuant to this section, who has a vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto and who terminates employment prior to attaining a vested benefit pur-

1 suant to K.S.A. 74-4963, and amendments thereto may have such service
2 credited for purposes of computing retirement benefits pursuant to
3 K.S.A. 74-4901 *et seq.*, and amendments thereto.

4 (e) Each special enforcement officer employed by the department of
5 corrections on the date of affiliation, may become a member of the Kansas
6 police and firemen's retirement system on the first day of the payroll
7 period following the entry date of the department of corrections into the
8 system, only by filing a written election to become a member, with the
9 board of trustees of the system, on or after the entry date of the depart-
10 ment of corrections into the system. Failure to file a written election shall
11 be presumed to be an election not to become a member of the system.
12 An election, whether to become a member or not to become a member,
13 shall be irrevocable.

14 (f) Each special enforcement officer who is on an authorized leave of
15 absence or is in the active military service on the entry date of the de-
16 partment of corrections into the system, may become a member of the
17 Kansas police and firemen's retirement system on the first day of the first
18 payroll period of the special enforcement officer's return to active em-
19 ployment and payroll of the department of corrections, only by filing with
20 the board of trustees of the system within 10 days after returning to active
21 employment, a written election to become a member of the system. Fail-
22 ure to file such written election shall be presumed to be an election not
23 to become a member. An election, whether to become a member or not
24 to become a member, shall be irrevocable.

25 (g) Every person who is employed as a special enforcement officer
26 on or after the entry date of the department of corrections into the Kansas
27 police and firemen's retirement system shall become a member of the
28 Kansas police and firemen's retirement system on the first day of
29 employment.

30 (h) Except as otherwise provided by this act, any Special enforcement
31 officer employed by the department of corrections who becomes a mem-
32 ber of the Kansas police and firemen's retirement system shall be subject
33 to all the provisions of K.S.A. 74-4951 through 74-4970, and amendments
34 thereto.

35 (i) Beginning with the first payment of compensation for services of
36 a special enforcement officer after becoming a member of the Kansas
37 police and firemen's retirement system, the employer shall deduct from
38 the compensation of such member 7% as the employee contribution to
39 the system. Such deductions shall be remitted, deposited and credited as
40 provided in K.S.A 74-4965, and amendments thereto.

41 Sec. 2. This act shall take effect and be in force from and after its
42 publication in the statute book.